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Attorney Docket No. 083664-0017

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application Of:)
SAFAR, Scott et al.) Confirmation No. 2215
Application No. 10/512,033) Group Art Unit: 1797
Filed: September 15, 2005) Examiner: Reifsnyder, David A.
For: Structure and Method for Handling Magnetic Particles
in Biological Assays)

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, Applicant submits herewith Form PTO-1449, "Information Disclosure Statement." The references cited in the Information Disclosure Statement were first cited in a communication from the European Patent Office in a counterpart foreign application (European Patent App. No. EP03719947) not more than three months prior to the filing of this Information Disclosure Statement (see 37 C.F.R. § 1.97(d)-(e)). The references were cited by the European Patent Office in a communication dated September 30, 2009 (listed on the Information Disclosure Statement and attached herewith).

The Examiner is requested to consider carefully the complete text of the listed references in connection with the examination of this application. It is requested that the listed references be made of record and included in the "References Cited" portion of any patent issuing from this application. The following references cited in the communication from the European Patent Office were previously cited and considered by the examiner: EP0905520A, WO/0105510A, and US5458785. Accordingly, these references are not listed on the Information Disclosure Statement.

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Citation of any reference or other information herein is not to be construed as an admission that the reference or other information is necessarily within the invention field of endeavor and/or that the reference disclosure or other information is otherwise necessarily prior art with respect to the instant invention.


Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any reference or other art, including the disclosures of those references and other information discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The citation of the above documents and other information is not to be construed as an assertion that more pertinent art could not possibly be in existence.

This Statement is being filed pursuant to 37 C.F.R. 1.97 (d). As such, a fee of \$180.00 will be necessary. Please find a check enclosed for \$180.00. However, the Commissioner is authorized to charge any fee or deposit any refund associated with this Communication to our Deposit Account No. 13-0206.

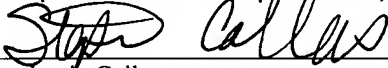
Respectfully submitted,

Date: December 28, 2009

By: 
Kevin P. Shortsle, Reg. No. 58,084
Customer No. 1923
McDERMOTT WILL & EMERY LLP
227 West Monroe Street
Chicago, Illinois 60606-5096
(312) 372.2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on December 28, 2009.


Stephanie Callas

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